



US Army Corps
of Engineers
New England District

696 Virginia Road
Concord, MA 01742-2751

PUBLIC NOTICE

Date: March 20, 2001
Comment Period Ends: April 19, 2001
File Number: 200002677
In Reply Refer To: Cori M. Rose
Or by e-mail: Cori.M.Rose@usace.army.mil

DR. PAUL MAUGLE, AQUACULTURE DIRECTOR FOR THE MOHEGAN TRIBE, has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899 to install fixed and floating structures for a commercial aquaculture operation at the property of 70-72 Water Street, Stonington Borough, Stonington, CT, and within the surrounding waters of Stonington Harbor, Niantic Bay, Pine Island Bay, Pawcatuck River and Fishers Island Sound at seven sites as noted below (see attachment 1 for Lat/Lon coordinates). Approximately 40 acres will be utilized for shellfish rearing in the first year. The commercial operation will expand within 5 years to incorporate approximately 265 acres of the 1,484 acres of shellfish habitat currently leased by the Mohegan Tribe.

The aquaculture operation will rely on the use of a combination of shellfish rearing devices including:

- 1) Two 32' wide by 76' long floating oyster upwellers, temporarily berthed adjacent to an existing fixed pier at the Garbo Lobster Company located on Water Street in Stonington, Connecticut, or moored at various locations, seasonally, throughout Long Island Sound
- 2) Floating shellfish rearing systems consisting of surface or subsurface long lines, anchors and net bags. A typical system will be constructed of 100 long lines with 100 yards of working length, each containing 100, 10 tier lantern nets, bags or polyethylene trays
- 3) On-bottom shellfish rearing cages typically consisting of upwards of 1,000 bottom cages configured to hold either 10 or 15 shellfish grow out bags. A 15-unit cage is approximately 30" high X 60" wide X 36" deep and is supported off the bottom by 3 sets of wire mesh supports. Rearing cages will be placed directly on the bottom in water depths ranging from 6' to 33' below MLW.

Site 1 - 70-72 Water Street (Garbo Lobster Co.), Stonington Borough
Upweller berthing and wet storage

Site 2 – Lot/Lease Number 528, Pine Island Bay
NORTH - Upweller mooring area and 2 acres of floating shellfish rearing bags/trays in year one expanding to 10 acres within year five
SOUTH – 5 acres of submerged longlines and bottom cages in year one, expanding to encompass 50 acres by year five

Site 3 – Lot/Lease Number 525, Fishers Island Sound
10 acres of submerged longlines and bottom cages in year one, expanding to encompass 100 acres by year five

Site 4 – Lot/Lease Number 589, Fishers Island Sound

10 acres of submerged longlines and bottom cages in year one, expanding to encompass 50 acres by year five

Site 5 – John Whitman Davis Trust, Pawcatuck River

EAST - Upweller mooring area and 2 acres of floating shellfish rearing bags/trays in year one, expanding to 10 acres by year five

WEST - 2 acres of floating shellfish rearing bags/trays and bottom cages in year one, expanding to 5 acres by year five

Site 6 – John Ragsdale Property, Ram Island

NORTH – Upweller mooring area and 2 acres of floating shellfish rearing bags/trays in year one, expanding to 10 acres by year five

EAST – 2 acres of bottom cages in year one, expanding to encompass 10 acres by year five

Site 7 – Sullivan Fish Trap Lease, Niantic Bay

5 acres of floating longlines and bottom cages in year one, expanding to encompass 20 acres in year five

All of the structures identified above will be adequately marked and maintained in conformance with 33 CFR 64 and U.S. Coast Guard requirements for Aids to Navigation.

This project will impact approximately 40 to 265 acres of Essential Fish Habitat (EFH) for species including winter Flounder (adult, larvae and juveniles), Atlantic herring (all life stages), Atlantic salmon (adults and juveniles), bluefish (adults and juveniles), summer flounder (adults and juveniles), scup (all life stages), spiny dogfish (adults and juveniles), long finned squid (adults and juveniles), Atlantic butterflyfish (all life stages), Atlantic mackerel (all life stages), and sandbar shark (adult, larvae, and juveniles). Habitat at the lease sites consist of :

Site 1 Stonington Harbor	Flat bottom, fine to medium sand and silts
Site 2 Pine Island Bay	Shallow subtidal hard rocky bottom covered with quarterdeck shells
Site 3 Fishers Island Sound	Flat sandy bottom, rocks and boulders, shell hash and small stones, some depressions with shell hash
Site 4 Fishers Island Sound	Flat bottom with fine and medium sands, eelgrass
Site 5 Pawcatuck River	Silty bottom with scattered rocks, shallow subtidal waters, poor flushing
Site 6 Fishers Island Sound	Rocky bottom, sands
Site 7 Niantic Bay	Rocky bottom, sands

Installation of floating, subsurface rafts and nets could adversely impact the eelgrass delineated at Fishers Island Site 4 through increased light attenuation (shading). Placement of shellfish rearing cages on the bottom could result in the permanent loss of this Habitat Area of Particular Concern (HAPC). To avoid negatively impacting the eelgrass beds, the eelgrass beds have been delineated and neither floating or on-bottom structures will be placed within this zone.

Installation of subsurface, floating nets may adversely affect the normal migratory movement of pelagic fish such as Atlantic herring, Atlantic salmon, Atlantic mackerel and long-finned squid. However, it is believed that the behavioral impedance of these structures will be no more than minimal, due to the open spacing of the units.

Placement of shellfish rearing cages on the bottom will result in a temporary loss of hard bottom and soft bottom forage habitat for benthic and pelagic fish such as winter flounder, scup, summer flounder, and Atlantic butterfish. However, it is envisioned that fouling organisms will quickly recolonize between cage maintenance cycles and the impact to the availability of forage items will not be substantial.

Maintenance of shellfish cages and nets may result in the temporary resuspension of organic fouling material during harvest and cleaning. It is anticipated that there will not be a significant increase in deposition in any one area due to the open nature and high velocity of tidal currents at the lease sites.

The two 32' wide by 76' long floating oyster upwellers will result in the shading of 4,864 square feet of water column in Stonington Harbor, and at the proposed offshore (Rams Island) and nearshore (Pawcatuck River) mooring areas. It is anticipated that the use of multiple mooring locations will minimize the adverse impact of shading and prevent a significant increase in sediment deposition at any one site.

As a result of the assessment of impacts, the District Engineer has made a preliminary determination that the site-specific adverse effect of the project will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

This project is located on the USGS New London quadrangle sheet at approximate UTM coordinates 4578400 N and 255400 E (see Attachment 1 for specific Latitude and Longitude coordinates of lease boundaries)

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Cori M. Rose at (978) 318-8306, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

**SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS**

**Robert J. DeSista
Chief, Permits & Enforcement Section
Regulatory Branch**

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- ☒ (X) Permit, License or Assent from State.
- ☐ () Permit from Local Wetland Agency or Conservation Commission.
- ☐ () Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch,
696 Virginia Road, Concord, MA 01742-2751.

NAME:

ADDRESS:

<p align="center">ATTACHMENT 1</p> <p align="center">Shellfish Bed Lease Coordinates: The Mohegan Tribe</p>

Site 2, Lot 528 Pine Island (608 acres)			Site 3, Lot 525 Fishers Island (371 acres)		
Point	Latitude	Longitude	Point	Latitude	Longitude
1	41 18.837	72 02.868	1	41 18.438	71 58.806
2	41 18.627	72 02.870	2	41 18.208	71 58.809
3	41 18.425	72 02.872	3	41 17.908	71 00.362
4	41 18.204	72 02.768	4	41 18.266	71 00.410
5	41 18.006	72 03.118	5	41 18.386	71 00.273
6	41 18.006	72 03.971	6	41 18.566	71 59.433
7	41 18.872	72 03.962	7	41 18.303	71 59.436
8	41 18.915	72 03.816			

Site 4, Lot 589 Fishers Island (338 acres)			Site 5, Davis Trust – Pawcatuck (60 acres)		
Point	Latitude	Longitude	Point	Latitude	Longitude
1	41 19.031	71 54.468	1	41 19.738	71 51.082
2	41 19.311	71 54.715	2	41 19.601	71 50.997
3	41 19.256	71 54.975	3	41 19.502	71 51.456
4	41 19.319	71 55.192	4	41 19.398	71 51.197
5	41 19.459	71 55.245	5	41 19.661	71 51.804
6	41 19.283	71 56.066			
7	41 19.093	71 55.995			
8	41 18.897	71 55.464			
9	41 19.052	71 55.387			
10	41 19.878	71 54.774			

Site 6, Ragsdale Ram Island (35 acres)			Site 7, Sullivan Niantic Bay (160 acres)		
Point	Latitude	Longitude	Point	Latitude	Longitude
1	41 18.659	71 58.789	1	41 19.339	72 11.602
2	41 19.151	71 58.455	2	41 19.420	72 11.353
3	41 19.116	71 58.859	3	41 19.008	72 11.609
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Preliminary EFH Assessment

This project will impact approximately 186 to 442 acres of Essential Fish Habitat (EFH) for species including winter Flounder (adult, larvae and juveniles), Atlantic herring (all life stages), Atlantic salmon (adults and juveniles), bluefish (adults and juveniles), summer flounder (adults and juveniles), scup (all life stages), spiny dogfish (adults and juveniles), long finned squid (adults and juveniles), Atlantic butterflyfish (all life stages), Atlantic mackerel (all life stages), and sandbar shark (adult, larvae, and juveniles). Habitat at the lease sites consist of :

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